



Reprinted
January 29, 2008

HOUSE BILL No. 1266

DIGEST OF HB 1266 (Updated January 28, 2008 7:41 pm - DI 14)

Citations Affected: Noncode.

Synopsis: Eligibility criteria for Medicaid waiver. Requires the office of Medicaid policy and planning to seek an amendment to the developmental disabilities waiver to set priorities in providing services.

Effective: Upon passage.

Klinker, Brown T

January 14, 2008, read first time and referred to Committee on Public Health.
January 24, 2008, reported — Do Pass.
January 28, 2008, read second time, amended, ordered engrossed.

C
o
p
y

HB 1266—LS 6692/DI 14+



Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1266

A BILL FOR AN ACT concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this
2 SECTION, "division" refers to the division of disability and
3 rehabilitative services established by IC 12-9-1-1.

4 (b) As used in this SECTION, "office" refers to the office of
5 Medicaid policy and planning established by IC 12-8-6-1.

6 (c) As used in this SECTION, "waiver" refers to any waiver
7 administered by the division.

8 (d) Before July 1, 2008, the office shall apply to the United
9 States Department of Health and Human Services for approval to
10 amend any waiver administered by the division under section
11 1915(c) of the federal Social Security Act to set priorities in
12 providing services under the waiver to certain eligible individuals.

13 (e) The waiver amendment must provide for the following
14 individuals to be given priority in receiving services under the
15 waiver:

16 (1) An individual who is determined by the state department
17 of health to no longer need or receive active treatment
18 provided in a supervised group living setting.

HB 1266—LS 6692/DI 14+



C
o
p
y

(2) An individual who is receiving service under the direction of the division in a supervised group living setting, nursing facility, or large private intermediate care facility and has a history of unexplained injuries or documented abuse that threatens the health and welfare of the individual.

(3) A current resident of a large, private intermediate care facility for the mentally retarded who requests to leave the facility.

(4) Children who are aging out of a residential or group home setting funded by the department of education, the division of family resources, or Medicaid.

(5) An individual for whom the primary caregiver of the individual is no longer able to care for the individual due to:

(A) the death of the primary caregiver;

(B) the long term institutionalization of the primary caregiver;

(C) the long term incapacitation of the primary caregiver;

(D) the long term incarceration of the primary caregiver;

or

(6) An individual who is on the waiver waiting list and has been determined to have a shortened life span as defined by the division.

(7) Any other priority as determined by the division.

(f) The office may not implement the amendment to the waiver until the office files an affidavit with the governor attesting that the amendment to the federal waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the waiver amendment is approved.

(g) If the office receives approval for the amendment to the waiver under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (e), the office shall implement the amendment to the waiver not more than sixty (60) days after the governor receives the affidavit.

(h) The office may adopt rules under IC 4-22-2 necessary to implement this SECTION.

(i) This SECTION expires July 1, 2016.

SECTION 2. An emergency is declared for this act.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1266, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN C, Chair

Committee Vote: yeas 11, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1266 be amended to read as follows:

Page 1, line 1, after "(a)" insert **"As used in this SECTION, "division" refers to the division of disability and rehabilitative services established by IC 12-9-1-1.**

(b)".

Page 1, line 4, delete "(b)" and insert **"(c)".**

Page 1, line 4, delete "the" and insert **"any waiver administered by the division."**

Page 1, delete line 5.

Page 1, line 6, delete "(c)" and insert **"(d)".**

Page 1, line 8, delete "the developmental disabilities waiver" and insert **"any waiver administered by the division"**.

Page 1, line 11, delete "(d)" and insert **"(e)".**

Page 1, line 15, delete "qualify for the nursing level of care" and insert **"need or receive active treatment"**.

Page 1, line 17, after "who" insert **"is receiving service under the direction of the division in a supervised group living setting, nursing facility, or large private intermediate care facility and"**.

Page 1, line 18, delete "safety" and insert **"welfare"**.

Page 2, delete lines 2 through 3.

Page 2, line 4, delete "(4)" and insert **"(3)".**

Page 2, line 7, delete "(5)" and insert **"(4)".**

Page 2, line 7, delete "or young adults who are becoming too old to" and insert **"who are aging out of"**.

Page 2, line 8, delete "reside in".

Page 2, line 11, delete "(6)" and insert **"(5)".**

Page 2, line 13, after "of the" insert **"primary"**.

Page 2, line 14, after "of the" insert **"primary"**.

C
O
P
Y



Page 2, line 15, after "of the" insert "**primary**".

Page 2, line 16, after "of the" insert "**primary**".

Page 2, delete lines 17 through 20.

Page 2, between lines 20 and 21, begin a new line block indented and insert:

"(6) An individual who is on the waiver waiting list and has been determined to have a shortened life span as defined by the division.

(7) Any other priority as determined by the division."

Page 2, line 21, delete "(e)" and insert "(f)".

Page 2, line 27, delete "(f)" and insert "(g)".

Page 2, line 33, delete "(g)" and insert "(h)".

Page 2, line 35, delete "(h)" and insert "(i)".

(Reference is to HB 1266 as printed January 25, 2008.)

KLINKER

C
o
p
y

